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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,696	10/16/2001	Eiji Kawai	09812.0174-00000	7316
22852	7590	09/28/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			OUELLETTE, JONATHAN P	
		ART UNIT	PAPER NUMBER	3629

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 09/981,696  <b>Examiner</b> Jonathan Ouellette	<b>Applicant(s)</b> KAWAI, EIJI
	<b>Art Unit</b> 3629

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

- 1) Responsive to communication(s) filed on 16 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### **Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-4 and 15-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. (US 6,587,835 B1).**
3. As per **independent Claim 1**, Treyz discloses an electronic guide information processing system for electronically processing guide information about a customers attracting facility, comprising: an information distributing apparatus for converting the guide information into electronic guide information (store computer, data configuration for transmission), and then distributing the resultant electronic guide information (transmitting data); and a portable terminal apparatus for recording and reproducing the electronic guide information which has been distributed from the information distributing apparatus, wherein the electronic guide information is visually displayed or/and audibly output in the portable terminal apparatus (Figs. 1, 2, 37, 42; C13, data transmission; C34-37).

4. As per Claim 2, Treyz discloses wherein the electronic guide information is distributed to the portable terminal apparatus by use of an already-existing broadcasting infrastructure or/and a communication infrastructure (RF, IR, Bluetooth transmission infrastructure).
5. As per Claim 3, Treyz discloses wherein an information recording medium is mounted to the portable terminal apparatus, and wherein the electronic guide information about the customers attracting facility is recorded in the information recording medium (C35 L10-20, removable storage media).
6. As per Claim 4, Treyz discloses wherein the information recording mediums is provided by use of an already-existing sales infrastructure (C35 L10-20, store provides removable storage media).
7. As per **independent Claim 15**, Treyz discloses an information distributing apparatus for distributing guide information about a customers attracting facility to an information user, comprising: a data inserting section for constructing electronic information contents about the guide information into a group of data strings (store computer, data configuration for transmission), and then inserting the resultant group of data strings into a signal for transmission; and a transmitting section for transmitting the signal for transmission into which the constructed data strings has been inserted by the data inserting section to the portable terminal apparatus carried by the information user (Figs.1, 2, 37, 42; C13, data transmission; C34-37).
8. As per Claim 16, Treyz discloses wherein the data strings are distributed by use of an already-existing broadcasting infrastructure or a communication infrastructure (system can use a variety of transmission infrastructures).

9. As per Claim 17, Treyz discloses wherein the data strings are transmitted in the state where they are multiplexed in a vertical blanking interval of a television broadcasting signal employed in the broadcasting infrastructure.
10. As per **independent Claim 18**, Treyz discloses a portable terminal apparatus for obtaining and processing electronic guide information about a customers attracting facility, wherein the electronic guide information is received and stored (data transmission), and the electronic guide information is read in an asynchronous manner in accordance with information manipulation by an information user, and wherein the electronic guide information is visually displayed or/and audibly output (Figs.1, 2, 37, 42; C13, data transmission; C34-37).
11. As per Claim 19, Treyz discloses a manipulating section manipulated in order to input manipulation information about the electronic guide information; a receiving section for receiving the electronic guide information; a nonvolatile storing apparatus for storing the electronic guide information received by the receiving section; and a controlling apparatus for reading the electronic guide information from the storing apparatus in accordance with the manipulation information from the manipulating section, as well as information processing the electronic guide information to control an image display.
12. As per Claim 20, Treyz discloses wherein the controlling apparatus processes the electronic guide information to control a display of an image of a customers attracting facility made of a three-dimensional image (video representation of map).

13. As per Claim 21, Treyz discloses wherein a communication modem is connected to the controlling apparatus, so as to receive the electronic guide information distributed by use of an already-existing communication infrastructure (transmission infrastructure).
14. As per Claim 22, Treyz discloses wherein, when the electronic guide information about the customers attracting facility is lent, the controlling apparatus decrypts the electronic guide information, which has been encrypted beforehand at the time of being downloaded (common transmission data manipulation).
15. As per Claim 23, Treyz discloses wherein, when the electronic guide information about the customers attracting facility is collected, the controlling apparatus erases the electronic guide information, as well as writes information about use status of the customers attracting facility by the information user and/or advertisement information about the customers attracting facility in the storing apparatus.
16. As per Claim 24, Treyz discloses wherein, when specific wireless broadcasting means effective only in a target area is provided to the customers attracting facility, the controlling apparatus receives the electronic guide information from the specific wireless broadcasting means by the receiving section.
17. As per Claim 25, Treyz discloses wherein the electronic guide information received by the receiving section is correlated with electronic guide information, which has already been stored in the storing apparatus.
18. As per Claim 26, Treyz discloses wherein position measuring means is connected to the controlling apparatus, and the position of the portable terminal apparatus itself is specified by measuring latitude, longitude, and height by use of an artificial satellite.

19. As per Claim 27, Treyz discloses wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility, which has been already stored in the storing apparatus.
20. As per **independent Claim 28**, Treyz discloses a method for processing electronic guide information which electronically processes guide information about a customers attracting facility, comprising the steps of: producing electronic guide information at an information provider side based on the guide information (store computer, data configuration for transmission), and distributing the electronic guide information to a portable terminal apparatus carried by an information user; obtaining the distributed electronic guide information at the information user side (send and receive transmission); and visually displaying or/and audibly outputting the obtained electronic guide information (Figs. 1, 2, 37, 42; C13, data transmission; C34-37).
21. As per Claim 29, Treyz discloses wherein the electronic guide information is distributed to the portable terminal apparatus by use of an already-existing broadcasting infrastructure or/and a communication infrastructure.
22. As per Claim 30, Treyz discloses wherein the electronic guide information about the customers attracting facility is recorded in an information recording medium and is provided to an information user, and wherein, at the time of using the information recording medium, the information user mounts the information recording medium to the portable terminal apparatus (C35 L10-20, removable storage media).

23. As per Claim 31, Treyz discloses wherein the information recording medium is provided by use of an already-existing sales infrastructure (C35 L10-20, store provides removable storage media).

*Claim Rejections - 35 USC § 103*

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. **Claims 5-14 and 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz.**

26. As per **independent Claim 5**, Treyz discloses an electronic guide information processing system for processing electronic guide information about a customers attracting facility which restricts the customers to go in and out only through its entrance and exit (common amusement park customer ticketing/access control, Treyz discloses ticketing elements), comprising: an information lending apparatus for lending the electronic guide information; a portable terminal apparatus for recording and reproducing the electronic guide information which has been lent from the information lending apparatus (information could be transmitted (C13) or provide to user through storage medium (C35 L10-20)); and an information collecting apparatus for collecting the electronic guide

information which has been lent to the portable terminal apparatus (Figs.1, 2, 37, 42; C34-37).

27. Treyz fails to expressly disclose wherein the system performs processing such that the reading of the electronic guide information is permitted at the entrance, while the reading of the electronic guide information is inhibited at the exit.
28. However, Treyz does disclose transmitting information in a set area or perimeter, and activating transmission upon entrance to the facility (C22 L16-28, C35 L21-40).
29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the system performs processing, such that the reading of the electronic guide information is permitted at the entrance, while the reading of the electronic guide information is inhibited at the exit in the system disclosed by Treyz, for the advantage of providing an electronic guide information processing system, with the ability increase efficiency and business effectiveness of the system, by controlling user access to the provided information.
30. As per Claim 6, Treyz discloses wherein, when the electronic guide information about the customers attracting facility is lent from the information lending apparatus to the portable terminal apparatus, the electronic guide information is encrypted beforehand at the time of being downloaded from the information lending apparatus to the portable terminal apparatus, and the electronic guide information is decrypted at the entrance.
31. As per Claim 7, Treyz discloses wherein, when the electronic guide information is collected, the electronic guide information is erased at the exit, and at the same time, information about use status of the customers attracting facility by the information user

and/or advertisement information about the customers attracting facility is written in the portable terminal apparatus.

32. As per Claim 8, Treyz discloses wherein specific wireless broadcasting means effective in a target area is provided to the customers attracting facility, and wherein the electronic guide information is provided to the portable terminal apparatus from the specific wireless broadcasting means.
33. As per Claim 9, Treyz discloses wherein the portable terminal apparatus comprises receiving means for receiving a wireless broadcasting signal from the specific wireless broadcasting means.
34. As per Claim 10, Treyz discloses wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility.
35. As per Claim 11, Treyz discloses wherein the electronic guide information received by the receiving means is correlated with electronic guide information, which has been already stored in the portable terminal apparatus.
36. As per Claim 12, Treyz discloses wherein the portable terminal apparatus comprises position-measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to specify the position of this portable terminal apparatus itself.
37. As per Claim 13, Treyz discloses wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility.

38. As per Claim 14, Treyz discloses wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility, which has been already stored in the portable terminal apparatus.
39. As per **independent Claim 32**, Treyz discloses a method for processing electronic guide information which processes electronic guide information about a customers attracting facility which restricts the customers to go in and out only through its entrance and exit (common amusement park customer ticketing/access control, Treyz discloses ticketing elements), comprising the steps of: lending the electronic guide information at the entrance to a portable terminal apparatus carried by an information user.
40. Treyz fails to expressly disclose collecting the lent electronic guide information at the exit from the portable terminal apparatus..
41. However, Treys does disclose the ability of the system to transmit information to users through the use of store provides removable storage media (C35 L10-20), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to collect the removable storage medium back from the customer upon exiting the facility, in order to save the costs of re-producing the removable storage medium for future customers/users (common rental/lending business practice).
42. As per Claim 33, Treyz discloses wherein, when the electronic guide information about the customers attracting facility is lent, the electronic guide information is encrypted beforehand at the time of being downloaded, and the electronic guide information is decrypted at the entrance.

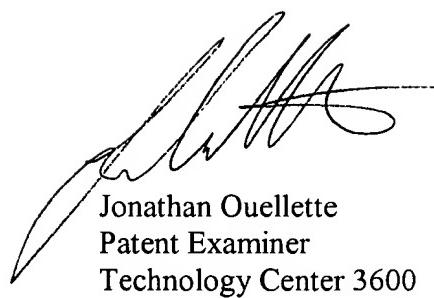
43. As per Claim 34, Treyz discloses wherein, when the electronic guide information about the customers attracting facility is collected, the electronic guide information is erased at the exit, and at the same time, information about use status of the customers attracting facility by the information user and/or advertisement information about the customers attracting facility is written in the portable terminal apparatus.
44. As per Claim 35, Treyz discloses wherein specific wireless broadcasting means effective only in a target area is provided to the customers attracting facility, and wherein the electronic guide information is provided to the portable terminal apparatus carried by information user from the specific wireless broadcasting means.
45. As per Claim 36, Treyz discloses wherein, when the portable terminal apparatus does not have the receiving means, the receiving means is lent at the entrance of the customers attracting facility.
46. As per Claim 37, Treyz discloses wherein the electronic guide information received by the receiving means is correlated with electronic guide information, which has been already stored in the portable terminal apparatus.
47. As per Claim 38, Treyz discloses wherein the portable terminal apparatus comprises position-measuring means for measuring latitude, longitude, and height by use of an artificial satellite, so as to specify the position of this portable terminal apparatus itself.
48. As per Claim 39, Treyz discloses wherein, when the portable terminal apparatus does not have the position measuring means, the position measuring means is lent at the entrance of the customers attracting facility.

49. As per Claim 40, Treyz discloses wherein the measurement information obtained by the position measuring means is correlated with map information about the customers attracting facility, which has been already stored in the portable terminal apparatus.

***Conclusion***

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
51. Additional Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
53. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
54. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

September 23, 2005



Jonathan Ouellette  
Patent Examiner  
Technology Center 3600